

Docket No. H 4898 PCT/US
Serial No. 09/601,868

REMARKS

Status of Claims

Claims 10 to 25 are pending. Claims 10 to 25 have been rejected under 35 U.S.C. § 102(b).

Response to Rejection under Section 102(b)

Claims 10 to 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Rondeau, et al. (WO' 97/39727). Applicants traverse this basis of rejection.

Summary of the Invention

Applicants' invention relates to an oxidative fixing composition for permanently waving hair and subsequently dyeing said hair. The composition comprises two solutions, (a) a reducing agent (first solution) and (b) oxidative fixing agent plus cationic dye (second solution). The second solution may be unitary or the two components may be separate solutions and mixed on application.

Response to the Rejection over Rondeau, et al.

Rondeau, et al disclose hair dying compositions having as necessary components, (a) an oxidation dye precursor, (b) an oxidizing agent and (c) a cationic dye in powdered form. Rondeau, et al further disclose that component (a) conventionally also contains a reducing agent, e.g. thioglycolic acid, to prevent the premature oxidation of the oxidation dye precursor. Rondeau, et al. further disclose methods to color hair wherein a composition containing dye precursors is mixed with a composition containing the oxidizing agent and a composition containing the cationic dye in order to yield the colored dyestuffs just prior to application to the hair.

Applicants' invention on the other hand consists of a first composition containing a reducing agent, e.g., thioglycolic acid which is first applied to the hair to reduce the disulfide groups in the hair structure allowing reshaping. Subsequently a composition containing an oxidizing agent and cationic dye is applied to the permanently waved hair. Thus, Rondeau, et al. which only desire to provide a hair coloring composition neither disclose nor suggest Applicants' oxidative hair fixing composition for permanently

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waving hair, or a kit or method wherein the hair is first permanently waved and subsequently colored.

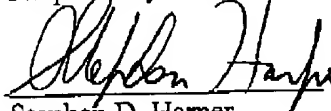
Accordingly, Applicants respectfully submit that claims 10 to 25, especially the kit and method claims (15-25) are not anticipated or even made obvious by Rondeau, et al.

CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of the outstanding rejection. Early and favorable notification of allowance of all pending claims is earnestly requested.

Applicants also enclose herewith a copy of the US patent equivalent to the WO 97/39727 cited by the Examiner.

Respectfully submitted,



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